IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK BARTELL, <u>ET AL.</u> ,	: CIVIL ACTION
Plaintiffs,	: :
v.	: No. 2:19-cv-6056
COMMUNITY COLLEGE OF PHILADELPHIA, <u>ET AL.</u> ,	: : :
Defendants.	: :
CAROL STEIN, <u>ET AL.</u> ,	: CIVIL ACTION
Plaintiffs,	: :
v.	: No. 2:19-cv-6057
COMMUNITY COLLEGE OF PHILADELPHIA, <u>ET AL.</u> ,	: : :
Defendants.	: :
MARGARET STEPHENS, <u>ET AL.</u> ,	: CIVIL ACTION
Plaintiffs,	: :
v.	No. 2:20-cv-1659
COMMUNITY COLLEGE OF PHILADELPHIA, <u>ET AL.</u> ,	: : :
Defendants.	: :

THOMAS J. QUINN, :

: CIVIL ACTION

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Plaintiff,

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v. : No. 2:20-cv-1666

COMMUNITY COLLEGE OF

PHILADELPHIA, ET AL.,

Defendants.

ORDER

AND NOW, this 21st day of April, 2021, upon consideration of the Motions to Dismiss by Defendants' Community College of Philadelphia (the "College") and Dr. Donald Guy Generals (Dkt. No. 19-6056, Doc. No. 16; Dkt. 19-6057, Doc. No. 15; Dkt. No. 20-1659, Doc. No. 13; and Dkt. No. 20-1666, Doc. No. 14), Plaintiffs' Memorandum in Opposition (Dkt. No. 19-6056, Doc. No. 17; Dkt. 19-6057, Doc. No. 16; Dkt. No. 20-1659, Doc. No. 14; and Dkt. No. 20-1666, Doc. No. 15), and Defendants' reply (Dkt. No. 19-6056, Doc. No. 18-1; Dkt. 19-6057, Doc. No. 17-1; Dkt. No. 20-1659, Doc. No. 15-1; and Dkt. No. 20-1666, Doc. No. 16-1), it is hereby ORDERED that Defendants' Motions to Dismiss are GRANTED in part and DENIED in part. The Motions are GRANTED in part as follows:

- Plaintiffs' Age Discrimination in Employment Act ("ADEA") and Pennsylvania
 Human Relations Act ("PHRA") age discrimination claims based on disparate
 treatment (Counts I and IV) are **DISMISSED without prejudice**.
- Plaintiffs' PHRA claim (Count IV) against Dr. Generals in his individual capacity is
 DISMISSED with prejudice. The Clerk of Court is directed to TERMINATE Dr.

 Generals only as a defendant from this matter.

3. Plaintiffs' claims for declaratory relief for violations of the Older Workers Benefit

Protection Act (Count III) are **DISMISSED** with prejudice.

4. Plaintiff Bartell's Americans with Disabilities Act disability discrimination and failure

to accommodate claims (Count V of the Bartell Complaint) are **DISMISSED without**

prejudice.

It is FURTHER ORDERED that Defendants' Motions are DENIED in part as to

Plaintiffs' ADEA and PHRA age discrimination claims based on disparate impact (Counts II and

IV).

It is FURTHER ORDERED that within thirty (30) days of the date this Order,

Plaintiffs may file Amended Complaints to attempt to cure, if they can do so in good faith, the

deficiencies outlined the accompanying Memorandum Opinion.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.